



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8794 of 2018

and

W.M.P.No.8225 of 2018

P.Jayabaskar

... Petitioner

vs.

1. The District Revenue Officer,
Viruthunagar District,
Viruthunagar.
2. The Revenue Divisional Officer,
Sattur, Viruthunagar District.
3. The Tahsildhar,
Vembakottai Taluk,
Sattur, Viruthunagar District.
4. M.Pannakkol Rajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider and pass orders on the objections raised by the petitioner through his representations dated 02.08.2017, 02.02.2018 and 13.03.2018 and after affording an opportunity of hearing to the petitioner before passing final orders on the recommendation made by the second respondent in proceedings bearing No.Mu.Mu.A3/2235/2017 dated 28.10.2017 regarding cancellation of patta in respect of Survey No.99/2B, Ezhayirampannai Village, Vembakottai Taluk.

For Petitioner : Mr.G.Sridharan

For Respondents

No.1 to 3

: Mr.J.Gunaseelan Muthiah

Additional Government Pleader.

ORDER

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader takes notice for respondents 1 to 3. Notice to the fourth respondent is dispensed with in view of nature of the order to be passed by this Court.



2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representations seeking the first respondent to consider and pass order on the objections raised by him through his representations dated 02.08.2017, 02.02.2018 and 13.03.2018 and affording an opportunity of hearing him before passing final orders regarding cancellation of patta in respect of survey No.99/2B, has not been considered by the respondents till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's representations dated 02.08.2017, 02.02.2018 and 13.03.2018 on its own merits and take further action in accordance with law, as expeditiously as possible from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to any other persons who may be interested in the subject property.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The District Revenue Officer,
Viruthunagar District,
Viruthunagar.



2. The Revenue Divisional Officer,
Sattur, Viruthunagar District.

3. The Tahsildhar,
Vembakottai Taluk,
Sattur, Viruthunagar District.

+ 1 cc TO Mr.G.Sridharan , Advocate in SR No. 62517

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AE/SV MMS/SAR3/25.04.2018/3P/5C

W.P. (MD) No.8794 of 2018
20.04.2018